IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 4.8.2006

Narinder

...Appellant

versus

Hem Chander and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice S.D.Anand.

Present: Mr.Vivek Suri, Advocate,
for the appellant

UMA NATH SINGH, J.

Filing of this FAO is barred by 39 days' delay. The explanation given in para No.2 of the application, on reproduction, reads as under:-

> "2. That though the award was passed on 29.7.2005 and the applicant/appellant approached his counsel in the month of September, 2005, and was given the advice that the limitation for filing the appeal is 90 days but the appellant misunderstood the same that it is from the date when the payment is deposited by the respondents before the Tribunal. Since the respondents have not till date deposited the payment, the appellant again approached his counsel at Panchkula and then he came to know that the limitation is 90 days from the decision and not from the date of deposit of the awarded amount."

That apart, the appellant has been awarded Rs.1,12,773/- in an injury case. Looking to the nature of the injury and the medical expenses, we do not find any infirmity in the award. As the appellant has not shown

sufficient cause preventing him from filing the appeal in time, and further as Hon'ble the Apex Court in a judgment reported in AIR 1998 SC 2276 (P.K.Ramachandran versus State of Kerala and another), has held that the Court cannot extend the limitation on equitable ground, we are not inclined to entertain this appeal.

Accordingly, this FAO is dismissed on the ground of delay itself.

(UMA NATH SINGH)
JUDGE

August 4, 2006 **(S.D.ANAND)**
pk **JUDGE**